

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA**  
Plaintiff

v.

**Case Number 4:00cr281-001  
USM Number 16707-047**

**DONALD LUPINO**  
Defendant

**JOHN C. VANDERSLICE**  
Defendant's Attorney

**AMENDED JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)**

**Date of Original Judgment (Or Date of Last Amended Judgment): 4/17/2009**

**Reason for Amendment:** Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)  
(Special Assessment is PAID)

**THE DEFENDANT** admitted guilt to violation of the Mandatory Condition of the term of supervision.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
2 - Mandatory Condition	The defendant shall not commit another federal, state or local crime.	October 4, 2007

Original offense: 18:1152 and 113(a)(3) Assault with dangerous weapon and 18:1153 and 113(a)(6) assault resulting in serious bodily injury.

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Allegation I of the Petition for Warrant for Offender Under Supervision[121] is dismissed on motion of the government.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
April 16, 2009

s/ Richard G. Kopf  
United States District Judge  
April 22, 2009

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## IMPRISONMENT

It is ordered defendant's term of supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **18 months with no supervised release to follow.**

The Court makes the following recommendations to the Bureau of Prisons:

1. **In the strongest possible terms**, that the defendant receive any intensive drug and alcohol treatment available.
2. That the defendant be incarcerated in a federal facility as close to **Omaha, NE** as possible.
3. Defendant shall be given credit for time served while in federal custody, but not credit for state custody.

The defendant is remanded to the custody of the United States Marshal.

## ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Signature of Defendant**

## RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

## UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.**

## **CERTIFICATE**

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## UNITED STATES WARDEN

By: \_\_\_\_\_

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## **CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<b><u>Total Assessment</u></b>	<b><u>Total Fine</u></b>	<b><u>Total Restitution</u></b>
<b>\$200.00 (PAID)</b>		

The Court has determined that the defendant does not have the ability to pay interest and it is ordered that: interest requirement is waived.

### **FINE**

No fine imposed.

### **RESTITUTION**

No restitution was ordered.

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## **SCHEDULE OF PAYMENTS**

The defendant shall pay the special assessment in the amount of \$200.00 (paid).

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if he or she has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

Without limiting the foregoing, and during the defendant's term of incarceration, the defendant shall participate in the Bureau of Prisons' Financial Inmate Responsibility Program. Using such Program, the defendant shall pay 50% of the available inmate institutional funds per quarter towards the criminal monetary penalty.

Without limiting the foregoing, and following release from prison, the defendant shall make payments to satisfy the criminal monetary penalty in the following manner: (a) monthly installments of \$100 or 3% of the defendant's gross income, whichever is greater; (b) the first payment shall commence 30 days following the defendant's discharge from incarceration, and continue until the criminal monetary penalty is paid in full; and (c) the defendant shall be responsible for providing proof of payment to the probation officer as directed.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 111 S. 18<sup>th</sup> Plaza, Suite 1152, Omaha, NE 68102-1322.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall inform the probation officer of any change in his or her economic circumstances affecting the ability to make monthly installments, or increase the monthly payment amount, as ordered by the court.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

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CLERK'S OFFICE USE ONLY:  
ECF DOCUMENT

I hereby attest and certify this is a printed copy of a  
document which was electronically filed with the  
United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_  
DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk